

## CLASS COUNSEL STATUS REPORT (2)

Named Plaintiffs Dustin Miller, George Munn, Ramiro Garrido, Dennis Cohen, and Jonathan Burchfield, together with Defendants Bravura Information Technology Systems, Inc. and Claudine Adams, through their Class Counsel, file this Status Report.

1. On August 16, 2019, the Court entered an Order conditionally denying approval of the Settlement Agreement, as amended. (Dkt. No. 85). On page 7 of the Order, the Court noted that the parties had not provided an estimation of the Overtime Awards that were owed.

2. Attached as Exhibit A to this Status Report is a chart showing the proposed breakdown of the settlement fund at various attorneys' fee percentages, ranging from 40% to 33 1/3%. The first column shows the amount of back wages claimed for each class member (named plaintiff or opt-in plaintiff), based on the traditional method of calculating overtime. Defendants contested the applicability of the traditional method and argued that the Fluctuating Workweek method should apply, which would reduce the amount of back wages to approximately \$230,000 in the aggregate. (Dkt. No. 36, pp. 10-11). The settlement reflects a compromise between the amount of wages measured at the standard method (the first column in Exhibit A), and the Fluctuating Workweek method.

3. After deducting the proposed incentive awards, administrator costs, and litigation costs, the settlement amount totals \$1,476,549.80, more than the total amount of back wages at the standard method. The second column on the chart, "Overtime Award," shows the allocation to each class member of the overall settlement amount. The remaining three columns show each class member's net recovery if attorneys' fees are deducted from the settlement amount after costs, at 40%, 36%, or 33 1/3%.

Date: August 21, 2019

Respectfully submitted,

MOULTON, WILSON & ARNEY, L.L.P

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been delivered on August 21, 2019, to all counsel of record through the Court's ECF system.

/s/ Lance C. Arney  
Lance C. Arney